

1 NEW JERSEY PRIVACY STUDY COMMISSION
2 ON
3 HOME ADDRESSES AND TELEPHONE NUMBERS IN
4 GOVERNMENT RECORDS

5
6 PUBLIC HEARING

7
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9
10

11 AT: BERKLEY TOWNSHIP MUNICIPAL BUILDING
12 Pinewald-Keswick Road
13 P.O. Box B
14 Bayville, New Jersey 08721-0287

15 DATE: THURSDAY, NOVEMBER 13, 2003

16 TIME: 4:02 p.m. to 6:45 p.m.

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21 GUY J. RENZI & ASSOCIATES
22 824 West State Street
23 Trenton, New Jersey 08618
24 (609) 989-9199 TOLL FREE (800) 368-7652
25 <http://www.renziassociates.com>

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1 S U B C O M M I T T E E M E M B E R S :

2

3 ROSEMARY KARCHER-REAVEY, Chairwoman

4 THOMAS CAFFERTY

5 EDITHE A. FULTON

6 GEORGE CEVASCO

7 H. LAWRENCE WILSON, JR.

8

9 B O A R D P R O F E S S I O N A L S :

10

11 CATHERINE STARGHILL, ESQ., Legal Specialist

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1 I N D E X

2 WITNESS PAGE

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4 OPENING COMMENTS

5 by Chairwoman Karcher-Reavey 4

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7 PUBLIC COMMENTS 5

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11 E X H I B I T S

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13 ID DESCRIPTION PAGE

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15 (NO EXHIBITS WERE MARKED.)

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18 R E Q U E S T S

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20 (NO REQUESTS WERE MADE.)

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1 CHAIRWOMAN KARCHER-REAVEY: This is
2 the Subcommittee on Public Interest. We're
3 attempting to collect comments from the public in
4 various locations in the state regarding the
5 question of privacy and personal information in
6 government records.

7 Of course, the whole purpose of the
8 Open Public Records Act is that government
9 records should be readily accessible to citizens
10 and some limitations should generally be
11 construed in favor of the right to access. But
12 some individuals feel very strongly that they
13 have a right of privacy, and we're very
14 interested in collecting information and comments
15 not only on home addresses and telephone numbers
16 but also any other comments you might have about
17 some personal information that is collected and
18 may be disseminated by public agencies.

19 So one thing that I would ask that
20 you do is come up to the microphone if you'd like
21 to be heard. And if you don't mind, we'd like
22 you to identify yourself although you can be
23 anonymous, if you would prefer. And if you
24 represent an agency or an organization, please
25 indicate what that organization is.

1 And, also, if you have a prepared
2 statement, Catherine Starghill, our attorney, is
3 right there in the second row, and we would all
4 appreciate the opportunity to have that written
5 before we wait for the transcript.

6 Please rest assure that although
7 there are not too many of us here, all of the
8 comments are going to be available to the entire
9 Commission and will be considered by the
10 Commission before any decision is made about
11 these very sensitive and broad topics. Thank
12 you.

13 And I think you were here first, so
14 if you would like to be heard first, come on up.

15 I'm sorry, and if you would tell us
16 your name and spell your name, last name, for the
17 reporter, that's helpful to her.

18 PUBLIC COMMENT:

19 MR. HADLEY: Up to this microphone
20 here?

21 CHAIRWOMAN KARCHER-REAVEY: Yeah.

22 MR. HADLEY: My name is Sean Hadley,
23 and I'm assistant director of governmental
24 relations at the New Jersey School Board
25 Association, and I have given my prepared

1 statement to the Committee. And if you'll
2 indulge me, I will also read it to you here,
3 also.

4 The New Jersey School Board
5 Association --

6 CHAIRWOMAN KARCHER-REAVEY: Not too
7 fast.

8 MR. HADLEY: The New Jersey School
9 Board Association is a nonpartisan federation
10 representing more than 600 school districts.

11 The NJSBA supports the goals of the
12 Open Public Records Act, which seeks to promote
13 transparency in government and public
14 accountability.

15 We also agree with many of the
16 principles put forward in the Draft Report of the
17 Special Directive Subcommittee. The Legislature
18 should exempt the disclosure of home addresses
19 and telephone numbers of certain groups. This
20 group should include school board members, who
21 are unpaid community volunteers. The
22 Subcommittee did not include this recommendation
23 in the Draft Report.

24 By law, school board elections are
25 non-partisan. To promote community participation

1 and encourage a broad pool of candidates for
2 school board elections, the government should not
3 require school board members to give up their
4 reasonable expectation of privacy simply because
5 they want to serve their community.

6 The school board is a policy-making
7 body. Individual board members have no more
8 authority than any other private citizen unless
9 they are sitting in a legally constituted board
10 meeting. No individual can act without board
11 authority.

12 There is simply no justification for
13 violating a board member's right to privacy.
14 Citizens already enjoy access to board members
15 through open public channels. Board members can
16 be reached through the board office, which has a
17 public phone number. The public also has a forum
18 to express its views -- the regularly scheduled
19 public meetings of the school board. These
20 meetings provide ample opportunity for citizens
21 to witness board action and express opinions.

22 This right of privacy is especially
23 strong in light of our past experience with
24 groups and individuals using board members'
25 personal information for unscrupulous purposes.

1 For example, irate citizens have, at times,
2 harassed the families of board members by calling
3 their homes at all hours of the day and night.
4 Some of these calls have threatened officials and
5 frightened their spouses and children.

6 Furthermore, public demonstrations
7 have been held in front of the homes of
8 officials, disrupting their private lives and
9 their neighbors. Oftentimes, this may occur
10 during heated labor negotiations.

11 In sum, publicizing board members'
12 private information does not improve the
13 democratic process or make government more
14 transparent. Instead, it opens them and their
15 families to harassment and intimidation, and
16 discourages other members of the community from
17 wanting to serve their local school district.
18 School board members should be exempt from
19 disclosure of private information and the NJSBA
20 believes that this recommendation should be
21 included in the Draft Report of the Special
22 Directive Subcommittee.

23 So Allow me to thank the Privacy
24 Commission for this opportunity to testify, and I
25 would be happy to answer any questions on my

1 comments if you have some.

2 CHAIRWOMAN KARCHER-REAVEY: Yes.

3 Tom?

4 MR. CAFFERTY: Just a couple of
5 questions to understand how this would work.

6 A school board member is subject to
7 the local government ethics law, right?

8 MR. HADLEY: I believe that they --
9 the have the School Ethics Act, which --

10 MR. CAFFERTY: Right. And I believe
11 that they would then be required to file a
12 financial disclosure statement. And the
13 financial disclosure statement requires, among
14 other things, the address of the official filing
15 the financial disclosure, the address of every
16 piece of property that the public official has an
17 interest in as that term is defined in the
18 statute.

19 So how would this play out? Would
20 your suggestion also be that then school board
21 members would be exempt from filling out that
22 information on financial disclosure forms?

23 MR. HADLEY: Well, the question is
24 whether they would be subject to an OPRA request.
25 Certainly a request by the government to

1 determine whether or not a school board member is
2 complying with a specific act is different from
3 providing -- disseminating that information to
4 the public as part of a request for information.

5 MR. CAFFERTY: Well, wouldn't one of
6 the purposes of that financial disclosure law be
7 to make it accessible to the public, and hasn't
8 that been one of the purposes?

9 MR. HADLEY: In terms of?

10 MR. CAFFERTY: Those forms. I mean,
11 those forms have, before OPRA, been accessible to
12 the public, correct?

13 MR. HADLEY: As far as I know they
14 have been.

15 MR. CAFFERTY: So I guess my problem
16 is it seems to me that the upshot of your
17 proposal is not only to exempt the names from
18 some list I guess the school board may have, but
19 it may also have consequences of rendering
20 nonacceptable financial disclosure information
21 which for years has been accessible.

22 MR. HADLEY: Well, the question
23 really is if it's personal identifying
24 information. Now I don't believe that simply by
25 disclosing the report, and perhaps having the

1 address redacted or the telephone number redacted
2 that that would be the same that you would ford
3 any purpose in that.

4 MR. CAFFERTY: Well, one of the
5 requirements of the form is, as I understand it,
6 I filled them out, so -- is that you identify
7 every piece of property that you have an interest
8 in by lot and block number and address. So if we
9 start taking out addresses, in effect, we're
10 redacting part of the form making nonaccessible
11 part of the information in that form. And I'm
12 just exploring the consequences of the proposal.

13 MR. HADLEY: Well, I think the
14 question would be the home address not perhaps
15 other property that the person may own. I mean,
16 the privacy interest really starts in the home.
17 I mean, that seems to be the recognized heart of
18 jurisprudence that that's the area of
19 expectation, the home itself, not necessarily
20 property they may have other interests in outside
21 of the residents.

22 MR. CAFFERTY: But clearly you would
23 be saying as to the home then that aspect or that
24 piece of information would no longer be
25 accessible in a financial disclosure form. And I

1 guess I'm a little troubled by the consequences
2 of that.

3 MR. HADLEY: Well, I'd be happy to
4 explore that issue with the Commission further
5 because I think that we could find a way to
6 compromise on that. I mean, again, the issue is
7 whether the government should be complicit in
8 disseminating this information to everyone
9 without regard to the privacy interest of the
10 school board member. And perhaps that's an issue
11 we need to examine a little bit further, and I
12 would be happy to work with the Commission to do
13 so in that capacity.

14 And one thing I would like to add
15 also that certainly the privacy interest has been
16 recognized for officials in government, even
17 elected paid officials in government.

18 I know there was a case several
19 years ago with Mayor Brett Schundler, for
20 example, the Court, New Jersey Supreme Court,
21 even recognized the privacy interest in his home
22 from harassment and intimidation and other issues
23 along those lines. So I'd be happy to share with
24 the Commission some of that information and
25 including your concern with the financial

1 disclosures.

2 You know, again, I think the
3 question that we're all grappling with under OPRA
4 is how much we disseminate this information, how
5 widespread it should while still allowing the
6 type of transparency in government that we feel
7 is in interest of all the citizens of New Jersey.
8 So I'd be happy again to follow-up with you with
9 that information.

10 CHAIRWOMAN KARCHER-REAVEY: Any
11 other questions?

12 Okay. Thank you very much for
13 coming. We appreciate your input.

14 MR. HADLEY: Thank you.

15 CHAIRWOMAN KARCHER-REAVEY: Is
16 somebody else ready to comment?

17 You kind of looked like you were.

18 MR. FASANO: Yes. I'm here from the
19 New Jersey Land Title Association.

20 CHAIRWOMAN KARCHER-REAVEY: Did you
21 have a prepared statement?

22 MR. FASANO: I don't have a prepared
23 statement.

24 CHAIRWOMAN KARCHER-REAVEY: Okay.
25 That's fine as long as you identify yourself. As

1 I said, if you'll spell your last name for the
2 reporter, please.

3 MR. FASANO: Certainly.

4 My name is Michael Fasano; that's
5 F-a-s-a-n-o. And I'm from the law firm of
6 Lomurro, Davidson, Eastman & Munoz, and our firm
7 represents the New Jersey Land Title Association.

8 And basically we came here to
9 address a couple of the issues in the Draft
10 Report. I had an opportunity to review the Draft
11 Report and go over with some of the other
12 attorneys in our firm, and I have a few comments
13 that we'd like to put into the record and give
14 you for consideration.

15 One of the things that concerned us
16 when we looked at the report is we had the
17 feeling that the Subcommittee and properly, the
18 Subcommittee properly when it was looking at the
19 issue as to how much disclosure of addresses
20 should be made, they looked at it from the
21 standpoint of what we call the "watchdog"
22 function. In other words, to what extent are we
23 watching the government, watching what they're
24 doing is right, making sure what they're doing is
25 right.

1 I'm certainly not going to criticize
2 the Subcommittee for taking that approach because
3 that's a legitimate interest. I mean, we really
4 do have to look at the government. We really do
5 have to look at the interest of people in
6 checking out what the government does and making
7 sure that what they're doing is proper.

8 But we think also in addition to
9 that, in addition to looking at the watchdog
10 interest as being one of the interests which are
11 countervailing a person's individual right to
12 privacy, to draw other interests we have to look
13 at. And this is why the New Jersey Land Title
14 Association asked me to come down here and talk
15 about this because we do believe that they are
16 important public interests that are served by
17 allowing disclosure or by not requiring a
18 redaction of certain public records.

19 Now, the records we're talking
20 about, obviously, the New Jersey Land Title
21 Association, we deal with the transfer of real
22 estate: deeds, mortgages, assignments of
23 mortgages, assignments of rights and property.
24 And oftentimes these documents will have in them
25 the addresses of the owners. And in dealing with

1 the transfer of this property is often necessary,
2 even crucial, that we're able to look at the
3 addresses of the property and compare the
4 addresses of the property to other addresses that
5 we have in order to make sure title is clear.

6 For instance, suppose someone is
7 buying a parcel of property and the owner's name
8 is "Smith," and they're do judgment search to
9 find out if there were any judgments against
10 Mr. Smith that might attach to this property.
11 Well, of course, a judgment search will come back
12 this thick (indicating) with judgments against
13 people with a common name like "Smith." How do
14 you we know that this judgment is against this
15 property or against some other property?

16 Well, one of the ways we do it is we
17 look at the addresses. Now, certainly we ask the
18 owner to sign an affidavit under oath as to
19 whether or not this judgment is against him. But
20 certainly you want to go farther. You want to be
21 careful. You want to protect your client. You
22 want to make sure that when property's
23 transferred there's no judgment against him.

24 So we check for the addresses. And
25 if the address is from someone up in Warren

1 County or someone down in Cape May County and the
2 owner says "That's not me; that judgment isn't
3 against me," we can believe it to be true. Now
4 if we didn't have access to that type of
5 information, how would we assure it?

6 And I'd be willing to bet if we did
7 not have access to that information, a lot of
8 titles would be brought into question by later
9 dates because people are often -- fortunately not
10 often, but occasionally not honest when they say
11 "The judgment is not against me." And that's
12 just one of the ways we feel it's necessary to be
13 able to check the titles and to have that address
14 information available.

15 Right now I'm in the middle of
16 litigation down in Camden County -- down in Cape
17 May County where the addresses of properties have
18 passed from one person to the other are of
19 crucial importance to the resolution of the suit
20 and the resolution of property rights in an
21 individual piece of property.

22 So basically our position is is that
23 there is a real public interest in keeping and
24 not changing the mortgages, not changing the
25 deeds, not requiring the redaction of this

1 information from those documents. And it deals
2 with the ability of the public to assure that
3 when real estate title is passed from one person
4 to another that they do indeed have good title.
5 And certainly that's a very important public
6 interest to make sure that our homes or in deed
7 owned by us and no one else has interest in them.

8 Now, in relation to that, I'm
9 certain that many of the board members will say
10 What about the crazy person? What about the
11 killer? What about the person who would harass
12 or who would stalk and who would use this
13 information to the detriment of persons' names
14 who are recorded in public records?

15 Just the other night I happened to
16 be at a party where an attorney was there who
17 represented a movie star who owns property on the
18 shore in this state, and he brought up that very
19 issue. And he said what they do in California
20 and what was done here in relation to that
21 particular property owner in order to protect her
22 interest and her own privacy and not be harassed
23 by people -- it's very common in California -- is
24 that when they put the name of the owner on the
25 deed, they'll say something like 5th Street or

1 115 Main Street, LLC.

2 They take the name of the property
3 and add an LLC. And the address is still in
4 there, and the name of the owner of the property
5 is still there, and the tax consequentialials are
6 unchanged. But the person is protected because
7 their name isn't in that title. Now, something
8 they can do to protect themselves. That's
9 something anybody can do and it's not even all
10 that expensive.

11 So our concern is two-fold. One is
12 we feel it's important that the public ability to
13 freely transfer property and not be compromised.
14 And we feel that if we took the names -- if we
15 took addresses out of the deeds and mortgages, it
16 would cause a great difficulty in transferring
17 property and it would not necessarily add
18 anything to the protection of individuals. And
19 it really would cause a revolutionary change in
20 the way title issues were approached in the state
21 of the New Jersey. And that was really the main
22 point that we wanted to make.

23 The second point we wanted to make
24 is the issue of the right of privacy itself.
25 Now, certainly, we're not going to speak against

1 that. We think it's great thing that all
2 Americans should have a right to privacy. It's
3 one of the things that makes the country great.
4 But we do believe that in reviewing the cases and
5 the Draft Report, which has been submitted, that
6 we don't feel that as of yet, the Supreme Court
7 in New Jersey or in Washington has recognized
8 full scale a constitutional right to
9 nondisclosure of addresses.

10 We feel that when that issue has
11 been addressed, it has generally been addressed
12 in the context of analyzing statutes which
13 already exist and is not necessarily something
14 that emanates out of the United States
15 Constitution or State Constitution. And we don't
16 believe that that principle had been thoroughly
17 recognized by any court, and we think that's an
18 important issue. Because when you get to the
19 point where you're talking about constitutional
20 rights, constitutional right is a right of such
21 magnitude and power that it can basically wipe
22 out the discussion.

23 When you talk about freedom of
24 speech, it's a powerful right, that once you talk
25 about something being a free speech issue, you

1 pretty much invalidate any laws which so much as
2 touch upon it. And we feel the right of a person
3 to have their address information protected is an
4 important one and certainly be considered. But
5 we do not feel that any court has yet recognized
6 it to be a right of constitutional dimensions.

7 That's basically my statement, and
8 I'd be more than willing to take questions from
9 the members of the Subcommittee.

10 CHAIRWOMAN KARCHER-REAVEY: Any
11 questions?

12 I think we've heard other people
13 agree wholeheartedly with you.

14 MR. FASANO: Oh, okay.

15 CHAIRWOMAN KARCHER-REAVEY: But we
16 thank you for your input.

17 MR. FASANO: Thank you very much.

18 CHAIRWOMAN KARCHER-REAVEY: All
19 right. Is there anybody else who wants to
20 comment?

21 Well, we'll just wait patiently then
22 and see what happens next.

23 Are you going to comment or are you
24 just taking notes.

25 AUDIENCE MEMBER: (Nods.)

1 (Whereupon, a recess is taken until
2 such time there is a speaker. Time is 4:22 p.m.)

3 (Back on the record. Time is
4 6:13 p.m.)

5 CHAIRWOMAN KARCHER-REAVEY: We need
6 to know your name. We'd like you to spell your
7 last name for the reporter and tell us who you
8 represent.

9 MR. HIDLAY: Sure. My name is
10 William C. Hidlay, H-i-d-l-a-y. I am the
11 executive editor and vice-president news for the
12 Asbury Park Press, a newspaper based in Monmouth
13 and Ocean Counties.

14 Okay?

15 CHAIRWOMAN KARCHER-REAVEY: We're
16 supposed to be limiting people to five minutes,
17 but you have nobody waiting in turn, so go right
18 ahead.

19 MR. HIDLAY: Thank you. I want to
20 thank the Commission for the opportunity to speak
21 and appreciate the great amount of time that
22 you're putting into this important issue.

23 You know, as a member of the news
24 media and a newspaper journalist for 24-plus
25 years, I'm speaking in opposition to the Draft

1 Report which recommends that home addresses be
2 stricken or kept closed in existing state
3 records. In other words, I favor keeping the
4 current status quo, which is that these addresses
5 are open and accessible to members of the public
6 and by extension the news media and the newspaper
7 business.

8 Now, the reason I say that is
9 because for us that's a really critical piece of
10 information in terms of trying to track people
11 down that we may need to interview for news
12 stories. We actually very rarely use someone's
13 full home address in a news story, which may
14 surprise you. I think the assumption is, you
15 know, we're going to get these addresses and
16 print them and invade people's privacy. And
17 quite the contrary. We take great care in trying
18 to protect people's privacy, particularly people
19 who are not in the news on a regular basis,
20 people who are just private citizens. For
21 example, we have a very strict policy of not
22 printing the home address of any crime victims.
23 So we're already exercising that form of
24 self-censorship.

25 CHAIRWOMAN KARCHER-REAVEY: And

1 that's the Asbury Park Press?

2 MR. HIDLAY: That's the Asbury Park
3 Press, and actually I can tell you it's also the
4 Courier-Post newspaper in Cherry Hill, and I
5 believe it's really most of the Gannett
6 newspapers, and Gannett owns seven newspapers in
7 the New Jersey. That's a fairly standard policy.
8 And we do that to protect the victim's privacy.

9 We also, as you may not know, have
10 an ironclad policy that really is maintained
11 throughout the news media of never identifying
12 victims of sexual crimes, not by name or
13 anything. I mean, they're always kept secret.
14 And we do that voluntarily without ever being
15 asked.

16 The addresses are critical because
17 they often -- you know, you can get people who
18 share the same name and the address can help you
19 make sure that you have somebody's identity
20 correct. But also they're critical for us, they
21 enable us to track somebody down. I mean, we
22 rarely write a story just based on the document.
23 The document gives you information that leads you
24 to the people who are involved in whatever it is
25 that you're writing about. So without the

1 address, it makes it that much harder to track
2 them down, so that's why we think it's very, very
3 critical in the terms of the efficient
4 functioning of our important public role in
5 gathering the news and reporting it to the
6 people.

7 In the area of watchdog reporting,
8 which we do a great deal of, and I think under
9 the Constitution, the first amendment of the
10 Constitution, the framers of the Constitution
11 both in New Jersey and nationally, really carved
12 out a very, very special role for newspaper and
13 the new media as the sort of so-called "4th
14 Estate of Government."

15 I mean, it really is our role. I
16 believe in it very sincerely to the core of my
17 sole that newspapers has the role of being the
18 public's eyes and ears in serving as the watchdog
19 for the public over the affairs of government.
20 And this is a really, really critical
21 functioning, a critical role in the continued
22 orderly and efficient function of democracy in my
23 opinion.

24 And I can, you know, go on in great
25 length about different situations where, you

1 know, the press has performed a very valuable
2 role in bringing to the public's attention the
3 wrongdoings of government officials or perhaps
4 even just issues where not so much somebody's
5 done something wrong, but perhaps the policy's
6 misguided, something the public doesn't know
7 about.

8 And oftentimes there are people at
9 the lower levels of government, or who come into
10 contact at the lower levels who would want very
11 much to talk to us and tell us what's going on
12 above them, you know, the so-called
13 "whistle-blowers," if you will. And without the
14 ability to track these people down from records,
15 I mean, it's really going to impede the function
16 of newspapers, in my opinion, in fulfilling their
17 really sacred trust, you know, under the
18 Constitution to serve as a check and balance in
19 the system of government, if you will, following
20 4th Estate idea.

21 The other thing I would say is that
22 this information is really widely available
23 today. I mean, by keeping it out of state
24 records you really aren't going to be protecting
25 anybody's privacy because there's lots of other

1 ways to find them this information. You have
2 just the basic phone book. You have all kinds of
3 phone books on the internet. I personally -- and
4 I believe this not just as a newspaper person,
5 but I personally am listed in the phone book, I
6 have been for 24 and-a-half years. And, you
7 know, people don't like what I write or I print,
8 they could pick up the phone book and call me,
9 and they do from time to time. And I take calls
10 at home, you know, just as well as I say take
11 calls at work.

12 So, you know, not only am I saying
13 this as a professional, I'm saying this as a
14 private citizen. And my name -- you know, if you
15 go on Goggle and you do an internet search for my
16 name, you'll see me all over the place. So, you
17 know, if people wanted to harass me, they
18 absolutely could. And I've never been the victim
19 of any kind of harassment or any kind of identity
20 thefts, or anything like that. I'm speaking as a
21 private person, never had anything from being out
22 in the public and having my home address and
23 phone number accessible in all types of records.
24 When I signed in and I filled out the form that I
25 turned in, I gave you my home address, and -- I

1 used my business phone because it's easier to get
2 me there, but you could find me in the phone book
3 if you want.

4 So I think I'm speaking both as a
5 professional and on a personal level that I think
6 it's a very good idea to maintain that
7 information in state records, you know, just as I
8 believe very strongly in openness in government
9 and openness in state records. I mean, in my
10 opinion they are the public's records.

11 I'd be happy to answer any questions
12 anybody might have. Any areas that are
13 concerning you, that are troubling you, I would
14 love to engage in a dialog with you.

15 MS. FULTON: I guess my main
16 objective or purpose of seeking to be on this
17 Commission is on behalf of the school system.

18 MR. HIDLAY: The teachers, right.

19 MS. FULTON: Not just teachers, but
20 school employees --

21 MR. HIDLAY: Right, students.

22 MS. FULTON: And we heard tonight
23 from the School Board Association. While school
24 board members are elected, the rest of the people
25 are not. I personally have an unlisted phone

1 because when my husband was teaching, we did have
2 threatening phone calls, a former student. Not
3 that the school gave out that, so I agree with
4 you there are other ways to get somebody's
5 telephone number, for instant.

6 But I'm curious -- this probably has
7 nothing to do with our mission -- what about the
8 press that does not release its sources? Isn't
9 it a dichotomy for what we're talking about as
10 far as privacy? I mean, you reporters have been
11 known to go jail for not producing sources.

12 MR. HIDLAY: That is really, I
13 think, an entirely different issue, Mrs. Fulton,
14 and I'm happy to talk about that. And Gannett
15 has a pretty strict Code of Ethics. In fact, it
16 has the strictest Code of Ethics in the news
17 business. All of us have to sign, myself
18 included, everybody that works for a Gannett
19 newspaper signs this Code of Ethics each year.
20 You know, it's required to review it once a year
21 and sign it.

22 And in that Code of Ethics we state
23 very clearly we will not break the law in the
24 gathering of news. We will basically act
25 honorably and ethically in what we do. We will

1 not plagiarize. And it also says that we will
2 only use, quote/unquote, anonymous sources as
3 sort of a last resort in gathering the news and
4 only in stories of the utmost -- you know, public
5 important stories that most logically would on
6 the front page of the newspaper.

7 But I will tell you, there are times
8 when people may be in a situation where they know
9 about something, perhaps in a school system, that
10 is untoward, maybe a superintendent is doing
11 something or a principal is doing something, and
12 the teacher wants to share that information. But
13 as you well know, in a school system, you could
14 be very much subject to all various forms of
15 retaliation by the administration. So there are
16 times like that when it is really logical that a
17 person not want to have their name associated
18 with it.

19 Now, we don't ever put anything in
20 the newspaper that an anonymous source tells us
21 without checking it out. We have a standard rule
22 that you must have a minimum two confirmations of
23 that information. And what we really do is try
24 to confirm any of that information that's given
25 to us anonymously through public records whenever

1 possible. So you build through a variety of
2 different sources, some anonymous, some public
3 record, some on the record, an idea of what the
4 truth is. That's really what our objective is,
5 is to get at the truth.

6 I'll give you another example. We
7 do reporting on crime. And if you are the victim
8 of a crime, you may not want the bad people to
9 come out and get you again, but there's a great
10 compelling interest in warning the public about
11 things that are going on.

12 I'll give you a very concrete
13 example, it's not a sensationalized example,
14 doesn't involve necessarily a front page story,
15 but let's say there's a burglary ring operating
16 in your neighborhood --

17 MS. FULTON: Like at my house a few
18 years ago.

19 MR. HIDLAY: Right. This is a very
20 real thing. I mean, that's the type of crime
21 that, most people are affected by. I've been
22 burglarized before. I've been mugged. And it's
23 a horrible, horrible invasive thing to have that
24 happen when someone comes into your house and
25 steals your personal belongings or if they would

1 mug you on the street. I fortunately was not
2 hurt in either situation.

3 But, you know, that to me is a kind
4 of reporting that really helps warn other people
5 when something like that is going on. It helps
6 the police. And the police will testify time and
7 again about how we have helped them solve crimes
8 by publicizing them and putting in the phone
9 number of where people can call in the tips. And
10 an aware and informed public can really help law
11 enforcement authorities do their job.

12 Now if we have a situation and a
13 police reporter's out and he's seeing like a
14 string of burglaries in one particular
15 neighborhood, well, then he may want to go out
16 and do a bigger story than he would get just from
17 the police. You know, he may want to try to do a
18 public service story. Well, to make that story
19 better it's going to help him to be able to talk
20 to some of the people who were victimized. Now
21 they may not want their names used. Now, if they
22 don't have access to their names from the police
23 record or their addresses, it's going to be very
24 difficult for us to contact them. If we contact
25 them and they tell us not to use their name,

1 we're not going to use their name. I mean,
2 that's the ethical thing to do because they are
3 crime victims.

4 And different people have different
5 views on this. Some don't mind having their
6 names used. And, again, we always defer to what
7 the people want in a situation like that. So
8 then you're protecting their identity, but you're
9 getting out the warning to the public that Hey,
10 this is what's going on, and the police need your
11 help in solving the crime. So that's a case that
12 may be able to illustrate this point for you of
13 why we go to those steps and why I don't see it
14 as a contradiction.

15 CHAIRWOMAN KARCHER-REAVEY: Okay.

16 Thank you.

17 Anybody else?

18 MR. CEVASCO: I have one question.

19 MR. HIDLAY: Sure.

20 MR. CEVASCO: Why is it that -- and
21 not just the Gannett papers, but any papers --
22 that home addresses of the editors and the
23 reporters who write the story and create the
24 news, they don't publish those? That's what
25 you're asking is that all or any information the

1 government takes in for whatever reason they take
2 it in that it be published. Why don't newspapers
3 do the same thing?

4 MR. HIDLAY: No. I think what I
5 testified to was that, in fact, we often don't
6 use the exact addresses of people.

7 MR. CEVASCO: I understand that.

8 MR. HIDLAY: Right.

9 MR. CEVASCO: And I understand
10 exactly what you do. You said you try to protect
11 the privacy of victims.

12 MR. HIDLAY: Exactly.

13 MR. CEVASCO: But what you're asking
14 government to do is all of the data that they
15 take in, home addresses and that sort of thing
16 being part of it and being a requirement for
17 whatever reason they're applying to government
18 for. But you're asking the government to publish
19 all of those --

20 MR. HIDLAY: No, I don't think I'm
21 asking the government to publish them. I'm
22 asking them to maintain --

23 MR. CEVASCO: Maybe it's my --

24 MR. HIDLAY: I disagree with that
25 assessment. I mean, I think you're talking about

1 maintaining the integrity of the public record
2 and it is a public record. It is the public's
3 business. You know, if government needs to take
4 any information for the public good in doing the
5 public's business, then it's my firm
6 philosophical conviction that that information
7 should be part of the public record and made
8 available if a member of the public wants to
9 inspect it. That's not publishing it, that's
10 just keeping it as a repository --

11 (Interruption - knocking at door.)

12 MR. HIDLAY: So it may be a matter
13 of terminology --

14 MR. CEVASCO: Could I come to your
15 paper and get your home address from someone at
16 your paper?

17 MR. HIDLAY: I suppose you could. I
18 mean, you could get my home address from the
19 public record. You could get my home address
20 from the telephone book. I live in Stafford at 5
21 Little Court. It's there and accessible. You
22 can get my address off the internet. It's
23 accessible in a multitude of ways. So just
24 keeping it off a government record's not going to
25 stop you from getting it.

1 MR. CEVASCO: I understand that.

2 MS. FULTON: But that's different
3 from say calling the school and saying "I'd like
4 the name and address Mrs. So and so," and the
5 school would give it out.

6 MR. HIDLAY: I don't know that
7 that's the issue that we're talking about here.
8 I mean, I think it's a matter of if it's in a
9 record accessible to the public. I don't
10 think -- unless I'm misunderstanding the issue
11 here, I don't think the issue is -- because I
12 can't call the school right now and get your
13 address. They don't give it out.

14 MS. FULTON: All I know if this is
15 not -- you're not excluded.

16 MR. HIDLAY: The status quo right
17 now is the status quo. And I don't believe --
18 somebody can jump in and help me here, but I
19 don't believe that we can call and get the home
20 address of a school member. I think we can go
21 look it up if it's in a public record and get it,
22 but I don't think I can call Stafford Township
23 School District, where my daughter attends, and
24 ask for her for the home phone number and home
25 address. I don't think that's public record now,

1 Mrs. Fulton.

2 MS. FULTON: Well, that's our
3 concern. Because when this was passed in
4 consultation with government officials, was why
5 the Governor put out Executive Order -- what was
6 it, 22, and then he put out 26?

7 MR. CAFFERTY: Well, Executive Order
8 21 --

9 MS. FULTON: Twenty-one.

10 MR. CAFFERTY: -- was the Executive
11 Order by the Governor saying no home addresses.
12 And it only deals with addresses in a government
13 record, so Mr. Hidlay is correct.

14 MS. FULTON: Well, schools are
15 government places.

16 MR. CAFFERTY: But that's different
17 than a government report.

18 MR. HIDLAY: Right. So I think that
19 if that's your impression, to be honest with you,
20 without showing any disrespect, if you're
21 misinformed. And what you're talking about doing
22 is actually going beyond what the current status
23 is. I cannot call up the school district and get
24 your address or anyone else's address, either as
25 a member of the public or a member of the news

1 media. I just know that from my years of work as
2 a reporter.

3 Now, if you, I suppose, registered
4 your dog and have a dog license, I might be able
5 to look it up that way. If you registered to
6 vote, I might be able to look it up that way. If
7 I was determined to find you, I can look in the
8 phone book to see if you were in the phone book.

9 MS. FULTON: So your assumption is
10 then that school records are not available to be
11 given out by a school --

12 MR. HIDLAY: I know for a fact they
13 aren't because we were engaged --

14 MS. FULTON: Well, you know students
15 aren't.

16 MR. HIDLAY: Well, students aren't
17 and personnel records are confidential --

18 MS. FULTON: Well, there are other
19 lists in school. We went through this the other
20 night. There's snow lists. There are any number
21 of ways that that list of names and addresses
22 could be accessed or asked for other than in my
23 personnel file.

24 MR. HIDLAY: I mean, I don't know
25 about a snow list.

1 MS. FULTON: Well, that's
2 everybody's name, address and telephone number in
3 case we have a snow day. And those lists are in
4 everybody's hands. I just don't want the school
5 to hand it out to anybody.

6 MR. HIDLAY: Right. But they don't
7 right now. Without changing a thing, leaving
8 things the way the are, the school districts I
9 guarantee you will not hand it out.

10 MS. FULTON: You've tried?

11 MR. HIDLAY: I know because they
12 don't -- no. It's not an issue of tried. The
13 school districts in the state are very closed
14 about what they will give out. Even under the
15 existing law, it's very difficult to get
16 information from certain school districts. And
17 I'm talking about stuff like budgets, stuff like
18 bills --

19 MS. FULTON: You can go to a public
20 meeting and hear all that.

21 CHAIRWOMAN KARCHER-REAVEY: That's
22 an alternate source. I think he's correct that
23 you just can't get snow lists.

24 MR. HIDLAY: That's why I would urge
25 you to reconsider this Draft Policy. Because,

1 again, if that's why you're forming this policy
2 to try to keep teachers' names and home
3 addresses, you know, from the news media and
4 members of the public, you know, we don't have
5 access to that right now. What you're really
6 doing is taking it to a whole other level that I
7 would submit is not necessary at all.

8 But I also would submit that if
9 someone really wants to find you, they'll find
10 you.

11 MS. FULTON: Oh, I'm not sure.
12 We're on a lot of lists.

13 MR. HIDLAY: There's all sorts of
14 private investigative agencies that have
15 abilities to find anybody.

16 CHAIRWOMAN KARCHER-REAVEY: Anything
17 else?

18 Thank you very much.

19 MR. HIDLAY: Thank you very much for
20 your time and I appreciate it.

21 CHAIRWOMAN KARCHER-REAVEY: You
22 don't have to sign it. I mean, I don't think you
23 have to fill out the form if you intend to
24 comment. You can fill it out later.

25 MR. HIDLAY: This is another member

1 of the press.

2 CHAIRWOMAN KARCHER-REAVEY: Do you
3 mind coming up to the microphone?

4 We need to know your name. We need
5 to have you spell your last name for the
6 reporter. And then if you represent an
7 organization, which I suspect you do, we'd like
8 to know your affiliation.

9 MR. DECKELNICK: My name is Gary
10 Deckelnick. And I am the night metro editor of
11 the Asbury Park Press, the same paper that Skip
12 was just from.

13 And I don't want to talk to you
14 about all the legal things, you've heard a lot of
15 that from everybody else.

16 CHAIRWOMAN KARCHER-REAVEY: Probably
17 true.

18 MR. DECKELNICK: I want to talk to
19 you about why a newspaper wants addresses because
20 everybody thinks that it's private that we want
21 to find out where someone lives. We don't.

22 An address is not where you live, at
23 least to us the way we use it. It's an extension
24 of your name. I can write a story and I can say
25 perfectly valid that John was arrested and

1 charged with something. It's perfectly accurate,
2 and we'll get more calls then we could ever
3 imagine from everybody who was not arrested whose
4 name was "John," who thinks "Hey, you've insulted
5 me," and they're right. The only way we can do
6 it is to add a last name "John Smith."

7 Now I checked "John Smith" in Ocean
8 County. I used it -- incidently, I checked it on
9 a list I found on the internet that anybody can
10 find and it will have nothing to do with what you
11 guys are doing tonight. As long as they know how
12 to do it and they have an internet connection,
13 it's there. And I found 501 "John Smiths" in
14 Ocean County, five in Bayville.

15 Now you can add the last name, it's
16 not going to help, but the address will. The
17 address says "John Smith of Elm Street." Every
18 other John Smith can say, "Hey, I don't live on
19 Elm Street. I'm not the person they're talking
20 about." And, yes, I just loaded this. "John
21 Smith" is a very common name.

22 My name is Gary Deckelnick. I
23 checked Deckelnick, admittedly without the first
24 name, in Ocean County. There are 58 listings in
25 the same list that I used for this. Most were

1 duplicates. One interesting thing was there was
2 an Edmund D. Deckelnick and there was an E. Craig
3 Deckelnick. How do we identify it? Do we know
4 whether or not they are the same person? Well,
5 so happens they had different addresses. If one
6 was arrested, the address says which one. It's
7 not so much that we wanted to know the address of
8 the man who was arrested. It's all the other
9 Deckelnicks because it's not their address.

10 I tried "Sigmund" in Ocean County,
11 another name I came up with. And I found
12 probably 94 listings in Ocean County some, again,
13 were probably duplicates. I can go to this
14 listing forever, but that doesn't help.

15 And now the question is what does a
16 newspaper do with this? Now, I've been with the
17 press a long time and let me just cite some
18 stories that I worked on, I worked with, that we
19 could not have done without addresses. And you
20 tell me which of these you would not want the
21 public to know.

22 We found board of education members
23 who did not live in the towns where they're on
24 the board. We wrote it and they were removed.
25 They didn't like it, but the public sure did. We

1 found people filling out absentee ballots who
2 didn't live where they said they lived, who
3 didn't live in the town where they said they
4 lived. We found people putting initiatives,
5 signing petitions to put an issue on a ballot who
6 didn't live where they said they lived. We found
7 students at a high school who didn't live -- four
8 of them at one high school, who didn't live in
9 the district. They lived in different districts.
10 They were recruited --

11 MS. FULTON: That's right, the
12 football team.

13 MR. DECKELNICK: Well, actually,
14 they were good hockey players. It's the same
15 thing. And we've also done it with football. Is
16 that what people want?

17 MS. FULTON: No definitely not.

18 MR. DECKELNICK: We've had students
19 in one town that were reported to receiving
20 courtesy busing when other students who lived the
21 same distance could not receive it.

22 Now this is a very interesting one
23 because it was not accurate. But one of the
24 functions of a newspaper, an important function,
25 is to dispel rumors, it's to set records

1 straight. And to sometimes do that you need
2 addresses.

3 Now I could stand up here forever
4 and I could tell you why an address is important
5 to a newspaper. What I'm submitting is I'm not
6 arguing on behalf of a newspaper. I'm arguing on
7 behalf of the public. That's who a newspaper
8 serves, that's who you serve. And we're not out
9 to try and embarrass anybody, destroy somebody's
10 privacy. More often than not, addresses are
11 protecting the public, so we can find people that
12 are doing things that they're not supposed to do.

13 I can answer any questions.

14 CHAIRWOMAN KARCHER-REAVEY: Thank
15 up.

16 Anybody have questions?

17 MR. CEVASCO: Just one. It's a
18 little off the subject. But when are you coming
19 out with your next computer article?

20 MR. DECKELNICK: Every Sunday in the
21 Press we have it. I'm also the computer
22 columnist.

23 CHAIRWOMAN KARCHER-REAVEY: You have
24 a reader here.

25 MR. DECKELNICK: Thank you.

1 CHAIRWOMAN KARCHER-REAVEY: We
2 really appreciate your input.

3 MR. DECKELNICK: Skip, you still
4 here?

5 MR. HIDLAY: I'm here. Sunday
6 inside the business section is his column.

7 MS. FULTON: So I'll read the
8 assessment scores are up?

9 MR. HIDLAY: What scores?

10 MS. FULTON: The National Assessment
11 Scores?

12 MR. HIDLAY: Yeah, the math scores.
13 Yeah, they went through the roof.

14 CHAIRWOMAN KARCHER-REAVEY: I think
15 that's somebody who wants to go to the meeting in
16 the other room.

17 Thank you both.

18 MR. HIDLAY: Thank you.

19 CHAIRWOMAN KARCHER-REAVEY: Anybody
20 else?

21 MR. HIDLAY: Have a nice night.

22 You need Gary to give you a sheet,
23 don't you?

24 CHAIRWOMAN KARCHER-REAVEY: If you
25 don't mind filling one of those sheets out, we

1 would appreciate it so we really have a record
2 for the entire Commission. And rest assured
3 we'll have a transcript for everybody on the
4 Commission so everybody can be aware of your
5 input.

6 (Whereupon, a break was taken. Time
7 is 6:42 p.m.)

8 (Back on the record. Time is
9 6:45 p.m.)

10 CHAIRWOMAN KARCHER-REAVEY: Just for
11 the record, I think we should indicate that it's
12 almost seven o'clock. We had some very
13 interesting input this evening, but I think we
14 can close. And I thank the members of the
15 Subcommittee. I expect to see you tomorrow at
16 the regular Committee, and I thank the people who
17 made comments.

18

19 (HEARING CONCLUDED AT 6:45 p.m.)

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1 C E R T I F I C A T E

2

3 I, LINDA P. CALAMARI, a Notary Public of the
4 State of New Jersey, do hereby certify the
5 foregoing to be a true and accurate transcript of
6 my original stenographic notes taken at the time
7 and place hereinbefore set forth.

8

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LINDA P. CALAMARI

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15 Dated: DECEMBER 22, 2003.

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